

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MANSOUR W. SAIKALY,	}	
v.	}	
JAMES SHERMAN,	}	
Petitioner,	}	
Respondent	}	

**C.A. No. 06-73 Erie
District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

On March 23, 2006, Petitioner, a federal prisoner appearing *pro se*, filed the instant petition for writ of habeas corpus. This matter was assigned to United States District Judge Sean J. McLaughlin and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 30, 2006, Magistrate Judge Baxter issued a Report and Recommendation recommending that this case be dismissed due to lack of subject matter jurisdiction. Document # 7.

No objections have been filed. However, Petitioner filed a motion to transfer the case to the Eastern District of California on June 15, 2006.

AND NOW, this 20th day of June, 2006;

Following a *de novo* review of the record in this case,

IT IS HEREBY ORDERED that the Report and Recommendation issued by Magistrate Judge Baxter on May 22, 2006 is adopted as the opinion of this Court. IT IS FURTHER

ORDERED that the Clerk of Courts close this case.

IT IS FURTHER ORDERED that Petitioner's motion to transfer [Document # 8] is dismissed as moot. Petitioner may choose to refile his petition for writ of habeas corpus in the district court in which he is incarcerated.

S/ Sean J. McLaughlin
SEAN J. MCLAUGHLIN
UNITED STATES DISTRICT JUDGE